

1 ~~SONNY RAY HARDAWAY~~
2 P-45379 AS-07L
3 KERN VALLEY STATE PRISON
4 P.O. BOX 501
5 DELAND, CA 92506
6 IN PRO SE

FILED
08 AUG -1 AM 11:50
THOMAS H. WIEKING
U.S. DISTRICT COURT
V. 550

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

(PR)

10
11 ~~SONNY RAY HARDAWAY~~
12 PLAINTIFF
13 V.
14 JEREMY FOGEL
15 DEFENDANT

CV NO 08

WHA
3677
COMPLAINT FOR CONSPIRACY
DISCRIMINATION, FRAUD,
HARASSMENT IN THE
REMOVAL OF A PERSON FROM

16
17 PLAINTIFF

18
19 INNOCENT INDIGENT BLACKMAN, BLACK PLAINTIFF MR
20 ~~SONNY RAY HARDAWAY~~ WAS BORN AND RAISED IN KENNETT
21 MISSOURI. BLACK PLAINTIFF HAS BEEN IN CALIFORNIA
22 SINCE 1975, WORKING HARD AND TAKING CARE OF HIS LOVELY
23 BLACK FAMILY. WAS WRONGLY ACCUSED, WRONGLY DETAINED,
24 WRONGLY ARRESTED, WRONGLY CONVICTED AND WRONGLY IMPRISONED.
25 BLACK PLAINTIFF UNDER THE AUTHORITY OF THE DEPARTMENT OF
26 CORRECTIONS, HE IS NOW INCARCERATED AT KERN VALLEY
27 STATE PRISON, WHICH IS IN THE COUNTY OF KERN, WHICH IS
28 IN THE STATE OF CALIFORNIA.

DEFENDANT

AT ALL TIMES MENTIONED: DEFENDANT JEREMY A JUDGE IN THE CITY OF SAN JOSE, IN THE COUNTY OF SANTA CLARA, IN THE STATE OF CALIFORNIA.

STATEMENT OF CLAIM

ON OR ABOUT NOVEMBER 4, 2006, BLACK-PLAINTIFF RECEIVED A YELLOW ENVELOPE DATED 1-3-06. THERE WERE TWO DOCUMENTS IN THE ENVELOPE, ONE WAS A JUDGEMENT AND THE OTHER ONE, ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS. THE CASE WAS BLACK-PLAINTIFF'S CRIMINAL CASE, HARDALAN V. PARBROUGH, NO. C 02-1463 JF (PR).

THE WRIT OF HABEAS CORPUS HAS ELEVEN GROUNDS FOR RELIEF: ① WRONGLY IDENTIFIED ② WRONGLY INTERROGATED, ③ INEFFECTIVE ASSISTANCE OF COUNSEL, ④ DENIED SELF-DEFENSE TO, ⑤ PROSECUTOR MISCONDUCT, ⑥ INEFFECTIVE COURT INVESTIGATOR, ⑦ JUDGE MISCONDUCT, ⑧ JURY MISCONDUCT, ⑨ INSUFFICIENT EVIDENCE, ⑩ NEWLY DISCOVERED EVIDENCE, AND ⑪ INEFFECTIVE APPELLATE COUNSEL.

THE PROSECUTOR'S CASE IN THE WRIT OF HABEAS CORPUS READ: ON 1-4-99 BLACK-PLAINTIFF AT A PAWN SHOP, THE PAWN SHOP CLOCK READ 40-MINUTES FAST, AT 11:21 BLACK-PLAINTIFF HAD KENITRA GAYLE LEWIS FRAZIER TO PAWN HIS BRACELET, AND THE PAWN RECEIPT READ 12:01. THAT BLACK-PLAINTIFF WALKED TEN BLOCKS AND KIDNAPPED AND ASSAULTED JANE DOE.

BLACK-PLAINTIFF'S CASE IN THE WRIT OF HABEAS CORPUS, READ: ON 1-4-99 BLACK-PLAINTIFF AT A PAWN SHOP, THE PAWN SHOP CLOCK READ 19-

MINUTES FAST, AT 11:43 BLACK PLAINTIFF HAD KEYTRA GAYLE LEWIS FRACKER TO PAWN HIS BRACELET AND THE PAWN RECEIPT READ 12:00. THEN BLACK PLAINTIFF HAD'D RIGHT HOME, BUT WAS STOPPED BY THE POLICE.

BLACK PLAINTIFF ASKED DEFENDANT FOGEL FOR TWO EVIDENTIARY HEARINGS. BOTH TIMES DEFENDANT FOGEL DENIED BLACK PLAINTIFF AN EVIDENTIARY HEARING. BUT STATED THAT BLACK PLAINTIFF PRESENTED HIS CRIMINAL CASE TO THE FULLEST.

ON 7-25-06 BLACK PLAINTIFF HAD A WRIT OF MANDATE / PROHIBITION IN THE UNITED STATES COURT OF APPEALS. AND THE COURT STATED THAT IF DEFENDANT FOGEL DO NOT MAKE AN ORDER ON THE WRIT IN 90 DAYS, THAT BLACK PLAINTIFF IS TO FILE ANOTHER WRIT OF MANDATE / PROHIBITION. DEFENDANT FOGEL HAD UNTIL 10-25-06 TO MAKE AN ORDER ON THE WRIT OF HABEAS CORPUS, BUT REFUSE TO OBEY THE UNITED STATES COURT OF APPEALS ORDER.

10-30-06 BLACK PLAINTIFF MAILED TO THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT, AND TO DEFENDANT FOGEL, PROOF OF SERVICE AND A PETITION FOR WRIT OF MANDATE / PROHIBITION.

11-2-06 DEFENDANT FOGEL DISMISSED THE WRIT OF HABEAS CORPUS. HE STATED: ① THE IN-FIELD IDENTIFICATION WAS RELIABLE. ② EVEN IF PETITIONER'S RIGHT TO COUNSEL WAS VIOLATED DURING THE INTERVIEW THERE WAS NO INCRIMINATING STATEMENTS. ③ PETITIONER HAS NOT SHOWN THAT COUNSEL'S PERFORMANCE PREJUDICED HIS ABILITY TO OBTAIN A FAIR PRELIMINARY HEARING OR TRIAL. ④ THIS COURT FINDS NO MERIT TO THE CLAIM. ⑤ THE RECORD DOES NOT SHOW THAT THE PROSECUTOR EVER ANSWERED ANY QUESTIONS FROM THE JURY. ⑥ PETITIONER HAS FAILED TO ALLEGE ANY INSTANCES OF JUDICIAL

MISCONDUCT WHICH RENDERED HIS TRIAL FUNDAMENTALLY UNFAIR.
 ⑤ THERE IS NO EVIDENCE THAT ANY JUROR EVER SPOKE WITH
 THE PROSECUTOR. ⑥ THE REJECTION OF THE CLAIM WAS NOT
 CONTRARY TO FEDERAL LAW. ⑦ PETITIONER HAS NOT ESTABLISHED
 THAT RELEVANT EVIDENCE EXISTS. AND ⑧ PETITIONERS CLAIMS
 ARE WITHOUT MERIT.

LEGAL CLAIMS

1. UNLAWFUL DETENTION

DEFENDANT (K. BENS) HAS BEEN IN AN ILLEGAL
 FOR CONFINEMENT SINCE HIS ARREST. HE HAS BEEN
 RETAINED IN THE PRISON WITHOUT ANY TRIAL OR
 ANY OTHER LEGAL PROCESS. HE HAS BEEN KEPT IN
 A SOLITARY CONFINEMENT SINCE HIS ARREST. HE HAS
 BEEN KEPT IN A SOLITARY CONFINEMENT SINCE HIS ARREST.
 HE HAS BEEN KEPT IN A SOLITARY CONFINEMENT SINCE HIS ARREST.
 HE HAS BEEN KEPT IN A SOLITARY CONFINEMENT SINCE HIS ARREST.
 HE HAS BEEN KEPT IN A SOLITARY CONFINEMENT SINCE HIS ARREST.

DEFENDANT DECIDED TO DO THE WORK. THAN 6.
 DEFENDANT ACTIONS ARE THOSE OF A FIFTY-NASTY SICK RACIST.
 DEFENDANT IS A HYPOCRITE AND IS NOT ALLOWED TO BE A
 JUDGE IN THIS CASE THAT HAS TO DO WITH THE BLACK RACE,
 BLACK PLEAS, BLACK WOMEN AND LITTLE INNOCENT BLACK CHILDREN.

DOING WRONG IS FOR SINNERS, COWARDS, DEVILS, LIARS,
 CHEATERS, ROBBER, PAPER, KILLERS, FOMIERS, CHILD MOLESTERS
 AND DULTERS. IF YOU BREAK ONE LAW THEN YOU HAVE AND WILL

1 BREAK EVERY LAW. DEFENDANT HAS NOT FEARED TO BREAK GOD'S LAW
 2 AND THAT IS DISRESPECT TO GOD. GOD GAVE HIM A MOTHER, FATHER,
 3 KIDS AND A JOB TO DO ONLY JUSTICE. TO MAKE FAIR DECISIONS
 4 IN A COURT OF LAW. DEFENDANT IS ONE WHO REFUSE TO DO
 5 WHAT IS RIGHT.

6 CA. CONST. ART. I. §

7 U.S. CONST AMEND.

8 9 RELIEF CLAIMS

10 WHEREFORE BLACKPLAINTIFF PRAYS A JUDGMENT AGAINST DEFENDANT

11 1. FOR THE SUM OF \$50,000.00 TO BLACKPLAINTIFF FROM
 12 DEFENDANT FOGEL.

13 2. DOUBLE IN PUNITIVE DAMAGES TO BLACKPLAINTIFF FROM
 14 DEFENDANT FOGEL.

15 3. DEFENDANT FOGEL PAY FOR THE COST OF THIS LAWSUIT.

16 4. A JURY TRIAL BE HELD ON ALL ISSUES.

17 5. FOR ANY OTHER AND FURTHER RELIEF THAT THE COURT
 18 DEEM PROPER.

19
20
21 DATED: 7/23/08

22
23
24 MR. Johnny Lee Hardman
 25 MR. JOHNNY RAY CHALSA
 26 PRO PR

UNITED STATES DISTRICT COURT
DISTRICT OF CALIFORNIA

SONNY RAY HADAWAY PLAINTIFF(S) vs. JERMEY FOGAL DEFENDANTS(S)	CASE NUMBER CV- >
S U M M O N S	

TO THE ABOVE-NAMED DEFENDANT(S), You are hereby summoned and required to file with this court and serve upon

SONNY RAY HADAWAY
 P.O. Box 921
 IMPERIAL, CA 92251

(IN PRO PER)

Plaintiff's attorney, whose address is:

an answer to the complaint which is herewith served upon you within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

DATE: _____

CLERK, U.S. DISTRICT COURT

By _____
 Deputy Clerk

(SEAL OF THE COURT)

S U M M O N S

CV-1A (1/87)

Short Title: <u>HARDAWAY v. FOGEL</u>	Court Case No:
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Proof of Service By Mail

I am over the age of 18 and a party/not a party (mark one out) to the cause.

I am a resident of or employed in the county where the mailing occurred. My

residence or business address is (specify): CENTINELA STATE PRISON - (I.D. # P-45579)
 2302 BROWN ROAD
 P.O. BOX 921
 IMPERIAL, CA 92251

I served the attached:

SUMMONS, CIVIL CASE COVER SHEET, COMPLAINT

By enclosing true copies in a sealed envelope addressed to each person

whose name and address is given below and depositing the envelopes in the

United States mail with the postage fully prepaid. in the County of Imperial.

Date of deposit: 7/23/ 2008

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

COURT CLERK, U.S.D.C., N.D. OF CA, 28) S. FIRST # 3035
SAN JOSE, CA 95113

I certify under penalty of perjury that the foregoing is true and correct.

DATE: 7/23/08

TONY RAY HARDAWAY

(TYPE OR PRINT NAME)

Tommy Ray Hardaway
 (SIGNATURE OF DECLARANT)

RECEIVED
JUL 28 2008
RICHARD D. WILKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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JUL 28 2008

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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

COURT CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
280 S. FIRST ST. 3035
SAN JOSE, CA 95113

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CENTINELA STATE PRISON



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